

[List of Counsel Appears on Last Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, a California corporation,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a  
Delaware corporation, and DENDRON  
GmbH, a German corporation,

Defendants,

MICRO THERAPEUTICS, INC., a  
Delaware corporation, and DENDRON  
GmbH, a German corporation,

Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION,  
a Delaware corporation, and TARGET  
THERAPEUTICS, INC., a Delaware  
corporation,

Third Party Defendants.

Case No. C 03 05669 JW (RS)

**JOINT STATEMENT AND PROPOSED  
ORDER PURSUANT TO COURT'S MAY  
26, 2006 ORDER FOLLOWING CASE  
MANAGEMENT CONFERENCE**

Date: June 26, 2006  
Time: 10:00 a.m.  
Place: Courtroom 8, 4th Floor  
Judge: Hon. James Ware

Pursuant to the Court's request in its May 26, 2006 Order Following Case Management Conference that the parties submit a proposed order regarding further claim construction, proposed interim case management conference dates, and further case scheduling, the parties submit the following proposed dates. The parties propose an **interim case management conference on June 26, 2006 at 10:00 a.m.** to discuss issues of claim construction briefing and case scheduling.

**I. SUPPLEMENTAL CLAIM CONSTRUCTION BRIEFING**

The Regents and MTI have met and conferred as required by the Court's May 26 Order in an attempt to reduce the number of claim terms and phrases in dispute. Attached as Exhibit A is a chart of the current claim terms and phrases still in dispute. The Regents and MTI will continue their efforts to reduce the number of disputed claim terms.

The Regents and MTI propose the following schedule for further claim construction.<sup>1</sup>

Description	The Regents' Proposed Due Dates	MTI's Proposed Due Dates	The Regents' Proposed Page Limits	MTI's Proposed Page Limits
L/D for parties to file and serve Opening Supplemental Claim Construction Briefs in light of 8/25/05 Claim Construction Order	July 19, 2006	July 19, 2006	25 pages	40 pages
L/D for parties to file and serve Reply Supplemental Claim Construction Briefs in light of 8/25/05 Claim Construction Order	August 7, 2006	August 18, 2006	15 pages	30 pages
Hearing on Supplemental Claim Construction	August 21, 2006	October 13, 2006		

<sup>1</sup> MTI's lead trial counsel, Attorney John Skilton, as well as counsel who argued on behalf of MTI at the first claim construction hearing in this case, Attorney Colin Sandercock, are scheduled for trial in another patent matter beginning on August 28, 2006. Therefore, MTI requests that the Court not schedule the hearing on supplemental claim construction in August or September 2006. The Regents' lead trial counsel, Lynn Pasahow, has a final pre-trial conference scheduled on September 18, 2006, with trial set to begin on September 26, 2006, in another patent matter in Portland, Oregon.

The parties request an interim case management conference immediately following the hearing on supplemental claim construction.

## **II. STATUS OF THE PATENTS-IN-SUIT**

At the Court's request, the parties submit a chart outlining the status of the PTO proceedings as they relate to the patents-in-suit as Exhibit B hereto.

## **III. FURTHER CASE SCHEDULE**

The parties propose the following dates for the remainder of the case:

Description	Proposed Due Dates
Interim Case Management Conference	June 26, 2006
Fact Discovery Closes and L/D to Serve Supplemental Disclosures	December 15, 2006
L/D for Parties to Exchange Opening Expert Disclosures and Reports	January 16, 2007
L/D for Parties to Exchange Rebuttal Expert Disclosures and Reports	February 15, 2007
L/D for Parties to Exchange Reply Expert Reports	March 1, 2007
Expert Discovery Closes	April 2, 2007
L/D to File Dispositive Motions	April 2, 2007
L/D to File Joint Pretrial Statement	May 7, 2007
Final Pretrial Conference	May 21, 2007
Jury Trial (as set by the Court's May 26 Order)	June 5-8, 2007 June 12-15, 2007 June 19-22, 2007 June 26-29, 2007

Dated:

By:                     /s/                    

Lynn H. Pasahow (SBN 054283)

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Dated:

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MICRO THERAPEUTICS, INC. and DENDRON

GMBH

Dated:

By: /s/  
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BOSTON SCIENTIFIC and TARGET

THERAPEUTICS, INC.

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**[Proposed] Order**

**[PROPOSED] ORDER**

Having considered the requests of the parties as stated above and at the Case Management Conference, the Court ORDERS as follows:

1. The Court will hold a Supplemental Claim Construction Hearing on [DATE and TIME].
2. The Regents and MTI shall comply with the following briefing schedule:
  - a. Opening Briefs: The Regents and MTI must serve and file their respective opening briefs and supporting evidence on or before [DATE]. Accompanying the brief must be a proposed jury instruction which incorporates the language which


1 the party contends should be adopted in construing the claims. Opening briefs will  
2 be limited to [NUMBER] pages.

3 b. Reply Briefs: The Regents and MTI must serve and file any reply brief and  
4 supporting evidence on or before [DATE]. Reply briefs will be limited to  
5 [NUMBER] pages.

6 2. The Court adopts the parties' proposed dates set forth in Section III above as the  
7 schedule for the remainder of the case.

8 **IT IS SO ORDERED.**

9  
10  
11 Dated: \_\_06/16/06\_\_

  
\_\_\_\_\_  
Honorable James Ware  
United States District Judge  
Northern District of California